

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

JOELI A. McCAMBRIDGE,)	
Plaintiff,)	
)	
v.)	CA. No.: 09C-02-030 FSS
)	E-FILED
SHIRLEY BISHOP and)	
ROMIE DAVID BISHOP,)	
Defendants.)	
)	

ORDER

**Upon Application for Certification of an Interlocutory Appeal –
*CERTIFICATION REFUSED***

1. So far, this case appears to be the latest round of an interneccine, family feud. Over the years, the parties, who are *pro se*, have scrimmaged in this court, the Court of Chancery, the Court of Common Pleas, and the United States District Court. Here, Plaintiff charges her sister and brother-in-law with harassment and similar torts. Defendants have responded in kind.

2. The complaint originally was filed on February 4, 2009.

Counterclaims and motions to dismiss were filed on February 6, 2009. In response, on February 19, 2009, Plaintiff, *qua* counterclaim-Defendant, filed a motion to dismiss the counterclaim.

3. On March 20, 2009, the assigned commissioner denied all motions, without prejudice, but the commissioner ordered Plaintiff to file an amended complaint, more consistent with the court's pleading requirements and better-suited to efficient disposition. The commissioner also laid-in a limited scheduling order, related to the amended complaint and responses to it.

4. On March 25, 2009, Defendants appealed the March 20, 2009 denial of their dispositive motions and the scheduling order's entry.

5. Along with filing the appeal from the commissioner's March 20, 2009 order, one or the other Defendant attempted to re-notice the motions already considered and preliminarily ruled on by the commissioner. The attempt to re-notice the motions, after they had been denied and before the scheduling order's terms had been met by Plaintiff, was out of order.

6. By order dated March 31, 2009, the court entered a stay, intended to stop the *pro se* filings and maintain order while the court was waiting to see if Plaintiff could and would file a proper complaint. In the process, the court tacitly affirmed the commissioner's March 20, 2009 preliminary order. The March 2009

orders are this proceeding's subject.

7. Most significantly for present purposes, on April 7, 2009, Plaintiff filed an amended complaint intended to meet the March 20, 2009 order's terms. Defendants filed answers on May 15, 2009.

8. On June 30, 2009, the commissioner entered a second scheduling order, lifting the stay and imposing an expanded scheduling order. Among other things, the June 30, 2009 order provided for filing dispositive motions on or before February 12, 2010. Therefore, as of now, the record includes an amended complaint, Defendants' answers and an active scheduling order.

9. In light of the above, Appellant's Application for Interlocutory Appeal fails to meet any, much less all, of Supreme Court Rule 42's criteria. The March 20, 2009 order does not determine a substantial issue, establish a legal right or otherwise meet any of the Rule's other enumerated criteria. The interlocutory order at issue, i.e. the March 20, 2009 preliminary dismissal of Defendants' motions to dismiss, is moot in light of the amended complaint's April 7, 2009 filing and the June 30, 2009 scheduling order's entry. Therefore, Appellant's application, which challenges a superceded and inoperative order, is pointless.

For the foregoing reasons, the court **REFUSES** to certify the

interlocutory appeal.

IT IS SO ORDERED.

Date: July 9, 2009

/s Fred S. Silverman

Judge

oc: Prothonotary (civil)

cc: Joeli McCambridge, *pro se* (via US Mail)

Shirley Bishop, *pro se* (via US Mail)

Romie Bishop, *pro se* (via US Mail)

Louis J. Rizzo, Esquire (via Lexis E-file)